

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WOODROW HICKS,

Plaintiff,

v.

STACY GARRITY Pennsylvania State
Treasurer and **JOHN DOE** President First
Commonwealth Bank,

Defendants.

2:21cv1067

Electronic Filing

MEMORANDUM ORDER

September 1, 2022

Plaintiff, Woodrow Hicks (“Hicks” or “Plaintiff”) commenced this civil action on August 12, 2021, against John Doe (“Doe”), President of First Commonwealth Bank and Pennsylvania State Treasurer Stacy Garrity for alleged violations of his rights under the Fourth and Fourteenth Amendments for unreasonably intruding upon his privacy and unlawfully seizing his monetary property without, according to Plaintiff, due process of law. The case was referred to Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules of Court for Magistrate Judges.

On December 17, 2021, Doe filed a Motion to Dismiss the Complaint pursuant to Rule 12(b)(6), or in the alternative, a Motion for Summary Judgment and Motion for More Definite Statement (ECF No. 18). On August 11, 2022, Magistrate Judge Lenihan filed a Report and Recommendation (ECF No. 59) in which it was recommended that the Motion to Dismiss the Complaint filed by Doe (ECF No. 18) be granted. It was further recommended that Doe’s Motion, in the alternative, for Summary Judgment and Motion, in the alternative, for a More Definite Statement, also filed at ECF No. 18, be denied as moot. Pursuant to the Magistrate

Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Civil Rules, Doe was permitted to file objections to the Report and Recommendation on or before August 25, 2022 and the Plaintiff was permitted to file objections to the Report and Recommendation on or before August 29, 2022. No objections have been filed.

After a comprehensive review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 1st day of September, 2022,

IT IS HEREBY ORDERED that the Motion to Dismiss the Complaint (ECF No. 18) filed on behalf of Defendant, John Doe, President of First Commonwealth Bank is **GRANTED** and the Complaint against John Doe is dismissed with prejudice.

IT IS FURTHER ORDERED that based on the granting of the Motion to Dismiss above, Defendant John Doe's Motion, in the alternative, for Summary Judgment and Motion, in the alternative, for a More Definite Statement (ECF No. 18), are denied as moot.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 59) dated August 11, 2022, is adopted as the Opinion of the Court.

s/ David Stewart Cercone
David Stewart Cercone
Senior United States District Judge

cc: Woodrow J. Hicks, *Pro Se*
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